United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lefkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1269	**DATE**	6/10/2008
CASE TITLE	Grant Importing & Distributing Co. vs. Amtec International of NY Corp., et al.		

DOCKET ENTRY TEXT

Plaintiffs' amended motion to remand [#17] is granted. The Clerk is directed to remand this case to the Circuit Court of Cook County. Civil Case Terminated. *(See statement below.)*

■[For further details see text below.] Docketing to mail notices.

STATEMENT

Plaintiffs filed suit in Cook County Circuit Court to enjoin the defendants' alleged wrongful termination of plaintiffs' successful wholesale distribution relationships between the plaintiffs and certain defendants. Plaintiffs claim that they possessed the exclusive right to distribute Zywiec Beer—a brand of beer manufactured in Poland—in Cook County and the greater Chicagoland area, but that recently their rights were wrongfully terminated as a result of defendants' conduct. Plaintiffs allege that this wrongful termination violates the Illinois Beer Industry Fair Dealing Act ("IBIFDA"), 815 Ill. Comp. Stat. 720/1 *et seq.*, and seek both injunctive relief and monetary damages. Before the court is plaintiffs' amended motion to remand.

The Seventh Circuit has firmly established that "[t]he party invoking federal jurisdiction bears the burden of establishing the elements of jurisdiction." *NLFC, Inc.* v. *Devcom Mid-America, Inc.*, 45 F.3d 231, 237 (7th Cir. 1995). In their notice of removal, defendants rely on diversity of citizenship under 28 U.S.C. § 1332 as the basis for federal jurisdiction.

Plaintiffs argue that remand is required on either of two grounds, both of which challenge whether the parties are completely diverse. *See Tylka* v. *Gerber Products Co.*, 211 F.3d 445, 448 (7th Cir. 2000) (noting that "[t]he party seeking to invoke federal diversity jurisdiction . . . bears the burden of demonstrating that the complete diversity . . . requirement[] [was] met at the time of removal").

First, plaintiffs argue that both plaintiff Chicago Beverage Systems, LLC ("Chicago Beverage") and defendant Advanced Brands & Importing Co., Inc. ("Advanced Brands") are Delaware citizens and that complete diversity does not exist for that reason.

In their amended complaint, plaintiffs allege that Chicago Beverage is "a Delaware limited liability company

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and citizen located in Chicago, Illinois" and that "[i]t is a single member LLC" whose "sole member is Reyes Holdings, LLC, a Delaware limited liability company and a citizen of Delaware." Pl.'s Am. Compl. ¶¶ 8–9.

Since *Cosgrove* v. *Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998), however, the citizenship of a limited liability company is determined by the citizenship of its members. *See, e.g.*, *Thomas* v. *Guardsmark, LLC*, 487 F.3d 531, 533–34 (7th Cir. 2007); *Stark* v. *Abex Corp.*, 2006 WL 1472555, at *1 (N.D. Ill. Apr. 3, 2006). Accordingly, "an LLC's jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well." *Thomas*, 487 F.3d at 534. Thus, Chicago Beverage's citizenship is determined by the citizenship of its sole member, Reyes Holdings, LLC ("Reyes Holdings"). Reyes Holdings' citizenship, in turn, is determined by the citizenship of its members. But the parties have failed to plead or otherwise disclose either the identity or the citizenship of each of the members of Reyes Holdings. Indeed, even the defendants—which, as the proponents of federal jurisdiction, bear the burden of establishing that the complete diversity requirement is met, *Tylka*, 211 F.3d at 448—assert in their response to plaintiffs' motion to remand that "the citizenship of Chicago Beverage is unknown." Def.'s Resp. at 4.

The citizenship of plaintiff Chicago Beverage thus remains unknown to the court. The court is therefore unable to confirm that complete diversity exists and must grant the plaintiffs' motion to remand [#17].[1]

1. Having established that remand is required, the court need not consider plaintiffs' second alleged ground for remand.